

**Assembly Bill No. 632**

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Passed the Assembly August 31, 2009

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*Chief Clerk of the Assembly*

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Passed the Senate August 27, 2009

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 1708.9 to the Civil Code, relating to privacy.

## LEGISLATIVE COUNSEL'S DIGEST

AB 632, Davis. Internet-based social networking: privacy.

Existing law provides that a person is liable for constructive invasion of privacy when he or she attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of another person engaging in a personal or familial activity under circumstances in which that other person had a reasonable expectation of privacy, through the use of a visual or auditory enhancing device, regardless of whether there is a physical trespass, if this image, sound recording, or other physical impression could not have been achieved without a trespass unless the visual or auditory enhancing device was used.

This bill would require a social networking Internet Web site to provide a specified disclosure to a user, as defined, of the site stating that an image which is uploaded onto the social networking Internet Web site is capable of being copied by persons who view the image without the consent of the user who initially uploads the image, or copied in violation of the privacy policy, terms of use, or other policy of the site.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1708.9 is added to the Civil Code, to read:

1708.9. (a) A social networking Internet Web site shall provide a disclosure in at least one location, including, but not limited to, in the privacy policy, in the terms of use, or on the upload page, to users of the social networking Internet Web site that an image, including, but not limited to, a photograph, which is uploaded onto the social networking Internet Web site is capable of being copied by persons who view the image without the consent of the user

who initially uploads the image or copied in violation of the privacy policy, terms of use, or other policy of the social networking site.

(b) For purposes of this section, “user” means a person registered with the social networking Internet Web site as a member, and the parent or guardian of the user if the user is registered as a minor.

Approved \_\_\_\_\_, 2009

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*Governor*